

Planning & Zoning Commission Meeting
Minutes of May 2, 2012
1st Floor North Conference Room - City Hall

Present: Chairman Mark C. Brooks (excused at 9:47 p.m.), Vice-Chairman Nathaniel Cannady, Kristy Carter, Jeremy Goldstein, Jane Gianvito Mathews, Holly P. Shriner and Paul Smith

Absent: None

Pre-Meeting - 4:30 p.m.

The Commissioners welcomed Bill Hascher, Chairman of the Tree Commission, who spoke about the work of the Tree Commission, its roles and responsibilities, and current initiatives. The Commission then reviewed the agenda with minor discussion. Ms. Shriner requested that the Council's action agendas be forwarded to the Commission, as this practice seems to have stopped with recent staff turnover.

Regular Meeting - 5:00 p.m.

Chairman Brooks called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Mr. Goldstein moved to approve the minutes of the April 4, 2012, meeting, with a minor typographical amendment. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

Agenda Items

- (1) Request to rezone the property located at 7 Roberts Street from Commercial Industrial District to Urban Place District. The petitioner District Development LLC and the contact is John Bryant. The property is identified as PIN 9638-98-1734.**

Urban Planner Blake Esselstyn oriented the Commission to the site location and said that in late 2006 and early 2007, a number of properties were rezoned to Urban Place in an effort to support the Wilma Dykeman Riverway Master Plan. The area to the north, west, and south of the subject site constituted a part of that rezoning. This particular property was sought for inclusion in the rezoning at that time, but omitted because the property owners could not be reached to confirm their consent.

Subsequently, in recent months, the property was sold in a Buncombe County tax auction to one of the owners of the adjacent property already zoned Urban Place. The proposed rezoning would close the awkward gap and create a more consistent and orderly zoning pattern in the area.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Would resolve a problematic gap in the existing zoning district.
- ? Could encourage mixed use, high-density infill development.

Con:

- ? None noted.

While the diminutive subject site, at less than 2,000 square feet, does not hold any great development potential by itself, this rezoning promises to fill in a “missing piece” of a significant larger site, and staff feels it would undeniably yield an improvement over the existing situation.

Chairman Brooks opened the public hearing at 5:09 p.m.

Pastor Larry Nix, Pastor of the United Christian Church at 10 Roberts Street, questioned how the rezoning would affect their property. Mr. Esselstyn said this rezoning would have no affect if the Church wishes to re-build or sell their property.

Chairman Brooks closed the public hearing at 5:11 p.m.

Based on the above findings and the analysis provided in the report, Vice-Chairman Cannady moved to recommend approval of rezoning the property located at 7 Roberts Street from Commercial Industrial District to Urban Place District. This motion was seconded by Ms. Shriner and carried unanimously by a 7-0 vote.

(2) City-initiated rezoning petition of area in the vicinity of 55 Hunt Hill Place from RM-16 Residential Multi-Family High Density District/Conditional Zoning to Institutional District. The property is identified as portions of the lots with PINs 9648-57-6831 and -56-6806, and is owned by the City of Asheville.

Urban Planner Julia Fields oriented the Commission to the site location and said that on June 24, 2008, the Asheville City Council reviewed and approved the conditional zoning of 9.58 acres of property (from RM8 and Institutional to RM16 CZ) located off of Hunt Hill Place and Ardmon Drive in order to allow for the construction of a 180-unit multi-family development, to be named Hunt Hill Place. The development received permits but was never completed.

A new developer, Hunt Hill Holdings, LLC (Chip Kassinger), has obtained the property and wishes to develop Hunt Hill Apartments with the same number of dwelling units (180) but with revisions to the circulation/access patterns and the location/placement/number of buildings on the property.

As part of the original development proposal a land swap was approved but never carried out between the City and the original developer. The developer was to receive 1.06 acres of currently unused park property (part of Mountainside Park, zoned Institutional) and the City would receive .85 acres for future park development. The new developer plans to use only property that is owned by Hunt Hill Holdings, LLC and the proposed amended conditional zoning approval shows no development involving the 1.06 acres still owned by the City but zoned RM16 CZ.

The City wishes to have this City-owned property revert back to the previous zoning of Institutional and staff is bringing forward this rezoning application in order to effectuate this rezoning. The property that is the subject of this rezoning request is located just south of the proposed Hunt Hill Apartments development site and is vacant except for a small portion which contains a drive entrance to Mountainside Park.

Pro:

- ? Zones a piece of City-owned property with the same zoning designation as the remainder of the property.

Con:

- ? None noted.

The staff finds the request to be reasonable and recommends approval of this rezoning request.

Chairman Brooks opened the public hearing at 5:14 p.m. and when no one spoke, he closed the public hearing at 5:14 p.m.

Based on the above findings and the analysis provided in the report, Mr. Goldstein moved to recommend approval of rezoning of an area in the vicinity of 55 Hunt Hill Place from RM-16 Residential Multi-Family High Density District/Conditional Zoning to Institutional District. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

- (3) Review of the Level II site plan for the project identified as Greater Works Church located at 25 Forsythe Street. The project proposes to re-establish a new place of worship and includes various upgrades to the site. The property owner is RBC Bank (PNC)/Lindsay Campbell and the contact is Ron Gates. The property is identified as PIN 9649.24-3580.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans to re-establish a place of worship in an existing church location with various upgrades to the site. A place of worship is designated as a "use by right, subject to special requirements" in the RS-8 zoning district and this project is considered as a Level II review pursuant to Section 7-5-9(b)(1)(a)(5) of the Unified Development Ordinance (UDO) which governs non-residential uses in residential districts.

Section 7-11-1 states that reoccupying a building or property where the use has been discontinued for more than 180 days will be considered as "new development" for the purposes of compliance with applicable UDO standards. In this case, the previous use vacated more than 24 months ago; therefore re-establishment of a place of worship is considered to be a new use on the site with compliance required. Because the existing building is 12,800 SF and Section 7-5-9 states that "any new non-residential use in a residential zoning district containing more than 10,000 SF" will be considered under Level II review, this project will be reviewed as such.

This project is considered a Level II review and according to Section 7-5-9(b) of the UDO, the Planning & Zoning Commission shall review Level II projects-conceptual site plans for compliance with applicable standards and regulations.

The project site consists of one parcel located at 25 Forsythe Street in the Five Points neighborhood of North Asheville and has an area of 1.44 acres. The lot is zoned RS-8 (Residential Single-Family High Density District) as are adjacent parcels. The surrounding neighborhood is primarily residential and is approximately 1/10 mile from the Broadway Avenue corridor. The applicant is proposing to re-establish a place of worship in an existing church on the site, which has been vacant for more than two years.

The existing structure, which will be used for the new use, is two-stories in height and 12,800 square feet. Access to the site is from two driveway cuts off of (publically-maintained) Forsythe Street, on either side of the structure. Parking is located primarily to the (north) side and (east) rear of the structure and will be modified to remove spaces from setbacks. A total of 56 spaces will remain on-site, including three handicapped accessible spaces. There is an existing concrete sidewalk along the project frontage.

Places of worship are considered as uses by right, subject to special requirements according to Section 7-16-1(c).(54) of the UDO and therefore necessary upgrades to the site are required for compliance. This includes the removal of existing parking spaces from the side and rear setbacks where it would not be permitted and to accommodate the type A landscape buffer and required tree islands.

Landscaping is required for compliance and includes street trees, parking lot landscaping, building impact landscaping, screening of the trash enclosure and the USSR-specific property line and street buffers.

USSR Standards:

- ? *Size*- According to the applicant, the current membership and attendance is between 75-80 people with a capacity for 175 in the sanctuary and as such, this church would be designated as a "small place of worship" (not more than 300 seats).
- ? *Lot area*- Minimum lot area required is 5,000 SF and this site is 1.44 acres
- ? *Lot location* - May be located on any street – Forsythe is publically maintained
- ? *Setbacks* - Front 15' front, sides and rear 25', no parking within these areas
- ? *Access*- Limited to two points – two driveways currently exist and will remain
- ? *Parking* - Range between 1 space per 3-8 seats = minimum 22 spaces; 56 provided (includes 3 HC spaces)
- ? *Specific landscaping* – A 20' Type A buffer is required around three sides of this property and a planting strip is required along the street frontage, both incorporating a wall, berm and/or shrubs as well. Revisions needed.
- ? *Impervious area* - limited to 60% of site – 58% proposed
- ? *Lighting* – Various standards to minimize impact to adjacent properties. More information needed.
- ? *Height* – Limited to 40' with additional height for architectural features. Building is noted as 47' in height.
- ? *Offices* – Not more than 25% of the total floor area of the buildings. More info needed.

The project was reviewed by the Technical Review Committee on April 2, 2012, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications, with variances and modifications receiving review by the appropriate boards and commissions. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

Assistant Planning & Development Director Shannon Tuch responded to Vice-Chairman Cannady stating that regardless of active marketing efforts, after one year the property has to come into compliance.

Ms. Bernstein responded to Ms. Carter explaining in more detail the need for a formalized easement agreement through the site to adjacent neighbors.

Chairman Brooks opened the public hearing at 5:19 p.m.

Mr. Jason Burk said the formal easement agreement will be recorded.

Chairman Brooks closed the public hearing at 5:20 p.m.

Based on the above findings and the analysis provided in the report, Ms. Shriner moved to recommend approval of the Level II site plan for the project identified as Greater Works Church located at 25 Forsythe Street, to re-establish a new place of worship and include various upgrades to the site subject to the conditions outlined in the staff report and subject to the conditions of the Technical Review Committee. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

- (4) **Review of Level II site plan for the project identified as Goodwill Industries of NW, NC-Expansion located at 1616 Patton Avenue. The project proposes to expand the existing 75,713 sq foot facility by an additional 24,195 sq feet. The property owner**

is Goodwill Industries of NW, NC/Bill Haymore and the contact is Ash Deshpande. The property is identified in the Buncombe County Tax records as PIN 9628-41-6966.

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans to expand and renovate an existing facility. This project is considered as a Level II review pursuant to Section 7-5-9(b) of the Unified Development Ordinance (UDO) which designates the process for buildings with square footage between 35,000 – 100,000.

This project is considered a Level II review and according to Section 7-5-9(b) of the UDO, the Planning & Zoning Commission shall review Level II projects-conceptual site plans for compliance with applicable standards and regulations.

The project site consists of a 13.68 acre parcel located at 1616 Patton Avenue in West Asheville. The site is primarily zoned Highway Business with a small portion zoned RS-4 at the southern end along School Road. Surrounding properties are zoned Highway Business, Office Business and RS-4. This site is currently the location of Goodwill Industries.

There are currently two structures on the site – the 75,713 sq. ft. main building and a smaller metal building towards the rear end of the parcel. The proposal is for three small additions onto the main building with upgrades to the parking area around the front of the building only and the creation of an entry plaza. The building additions are on the northeast and northwest corners of the building and total 24,195 sq. ft, bringing the size of the main building to 99,300 sq. ft. The existing structure is 29 feet tall and the tallest point of the new addition is 39.66 feet.

Uses in the facility include offices (30,520 sq. ft.), retail (24,148 sq. ft.) and warehousing (around 45,000 sq. ft.).

Access is (and will remain) via two driveways from Patton Avenue into the vehicular use area. There is an existing 4' wide sidewalk along the frontage. The proposal includes upgrades to the ADA ramps, the addition of a bus shelter and a new interior sidewalk leading from the street and bus shelter up into the site.

Most of the parking on the site remains unchanged with the exception of some restriping of spaces up towards the building and new addition. Between the three uses onsite, a minimum of 161 and a maximum of 253 parking spaces are required. There are 248 spaces existing and after renovation, 239 spaces will remain (12 HC accessible). There are 12 bike spaces included. Nine loading bays are included in the improved area at the rear of the main building.

Compliance is required in the area of disturbance – building impact landscaping and new parking lot landscaping islands. The site has an existing property line buffer, street trees, street buffer and parking lot landscaping as well as existing vegetation to serve as a buffer between the dissimilar zoning types. Open space is required on this site and is provided – 15% of the lot is required and over 6 acres is provided (over 48%).

The project was reviewed by the Technical Review Committee on April 16, 2012, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications, with variances and modifications receiving review by the appropriate boards and commissions. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

Ms. Bernstein said that she was contacted by an individual who wanted a greenway connection along the property.

In response to Ms. Carter regarding the bus stop/bus shelter relocation, City Traffic Engineer Jeff Moore said the bus currently goes into the parking lot and it opens the bus up for different conflicts with parking cars, etc. Therefore, staff felt the best place for the bus stop would be on Patton Avenue.

Chairman Brooks opened the public hearing at 5:25 p.m.

Ms. Julie Ruch, resident on School Road near the Goodwill Clearance Center, was concerned about the increase in noise pollution, light pollution, if there would be any additional buffer, and what the height of the additions would be. Ms. Bernstein responded that the uses would be similar to the retail/warehousing component and offices currently in the building now. The existing structure is just under 30 feet and the height of the addition (which is in the front of the building near Patton Avenue) is under 40 feet. There is no tree removal or grading in the back.

A resident on School Road also outlined some issues including property line discrepancy, significant light and noise pollution, accumulation of trash in the living stream down the property line; stormwater run-off, and request to minimize the disruption of the wooded area.

Mr. Timothy Sadler, west Asheville resident, spoke in support of the plan and suggested some demarcation signs and possibly some edible landscaping.

Chairman Brooks closed the public hearing at 5:34 p.m.

In response to Ms. Mathews, Mr. Haymore, representing Goodwill Industries, explained they are adding a loading dock platform in the rear, purely for a convenience standpoint.

In response to Vice-Chairman Cannady, Mr. Haymore said the new building in the front would be used mainly for training purposes.

Ms. Ash Deshpande, landscape architect for the project, said that after renovation, the impervious area will be reduced than what is currently existing.

Based on the above findings and the analysis provided in the report, Mr. Goldstein moved to recommend approval of the Level II site plan for the project identified as Goodwill Industries NW, NC-Expansion located at 1616 Patton Avenue to expand the existing 75,713 sq. ft. facility by an additional 24,195 sq. ft., subject to the conditions outlined in the staff report and subject to the conditions of the Technical Review Committee. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

- (5) **Review of Level II site plan for the project identified as W.C. Reid Center Renovations located at 133 Livingston Street. The project proposes renovations to the existing structure and also includes site improvements. The property owner is Housing Authority of the City of Asheville/David Nash and the contact is Steven Lee Johnson. The property is identified in the Buncombe County Tax records as PIN 9648-24-4314.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans to make improvements to an existing community center building with upgrades to the site. Due to the square footage of the building, the renovation project is evaluated under Level II review pursuant to Sections 7-5-9(b) and 7-11-1(4) of the Unified Development Ordinance (UDO) (when the cost of renovations exceeds the value of the building by more than 75 percent).

This project is considered a Level II review and according to Section 7-5-9(b) of the UDO, the Planning & Zoning Commission shall review Level II projects-conceptual site plans for compliance with applicable standards and regulations.

The project site consists of one parcel located at 133 Livingston Street at the corner of Herman Avenue, Gaston and Livingston Streets and has an area of 2.27 acres. The lot is zoned O-II (Office II District)) as are adjacent parcels to the north and west. Parcels to the east, across Gaston Street, are zoned RS-8 and the parcel across Livingston Street to the south is zoned RM-8. There is a mix of uses in the surrounding area, including residential, institutional and religious.

There are two structures on the site – the Lonnie Burton Childcare Center and the WC Reid Community Center. This proposal is for improvements to the Reid Center and surrounding site; no changes or improvements to the Burton Childcare Center or playground are included.

The existing community center building is three-stories in height (30' 3") and contains 37,773 square feet. Interior improvements will provide updated use space, including offices, classrooms, kitchen/dining and auditorium/community areas. The exterior will be renovated with new doors, windows, canopies and other features aiding in efforts towards LEED-certification. There are multiple users of this building, including GO Opportunities, Dropout Prevention Program, Housing Authority of the City of Asheville, Urban Arts Institute, Culinary School, Upfront Sports Management and office space.

Vehicular access is provided via a two-way driveway (widened to 24') off of Gaston Street into an improved parking lot behind the building(s). Existing sidewalks along Livingston and Gaston will remain.

Parking for this project is proposed under a flexible development request for a 25% reduction, pursuant to Section 7-11-7 and based on shared uses that serve a specific and local population who is less likely to be driving personal vehicles to this site. There are two bus lines with stops within 1/8 mile and the site will accommodate 8 bike spaces, encouraging multi-modal access. The applicant is proposing 28 off-street spaces in the lot (2 HC accessible) and creating 33 on-street spaces (18 along Gaston and 15 along Livingston) – only 75% of which can be counted towards required parking counts. This results in 52 "countable" parking spaces for this project (61 total).

****The minimum number of spaces required pre-flex is 68; the minimum required post 25% reduction is 51 spaces. With approval of the flex request, the parking complies.****

Landscaping is required for compliance and includes street trees, parking lot landscaping, street buffer, building impact landscaping and trash enclosure screening. Additionally, a 20' Type A property line buffer is required along the Gaston Street frontage but due to the existing condition of building and parking placement in this planting area, the applicant is requesting alternative compliance from the Tree Commission for a portion of this bufferyard. The alternative compliance request also includes placing required parking lot landscaping around the perimeter of the lot rather than in interior islands due to space constraints and a reduction in building impact landscaping.

The request for Alternative Compliance from the Tree Commission was approved at their April 16th meeting and the parking reduction will be reviewed administratively.

The project was reviewed by the Technical Review Committee on April 16, 2012, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications, with variances and modifications receiving review by the appropriate boards and commissions. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

Mr. Steven Lee Johnson, landscape architect for the project, briefly pointed out some significant features including how the site is being geared in a very sustainable way. He noted this project is unique in that the public input process with the neighborhood has been ongoing for well over a year.

Chairman Brooks opened the public hearing at 5:52 p.m. and when no one spoke, he closed the public hearing at 5:52 p.m.

Ms. Bernstein responded to Ms. Shriner regarding parking for the child care center, location of the bus stops and on-street parking.

When Ms. Carter asked how many employees work at the WC Reid Center, Mr. Gene Bell, Chief Executive Officer of the Housing Authority, said it varies from 4-7 people. The approximate 25-35 people in the training program are in and out and the majority of those do not drive cars at this point.

Based on the above findings and the analysis provided in the report, Ms. Carter moved to recommend approval of the Level II site plan for the project identified as W.C. Reid Center Renovations located at 133 Livingston Street, for renovations to the existing structure and also includes site improvements, subject to the conditions outlined in the staff report and subject to the conditions of the Technical Review Committee. This motion was seconded by Mr. Goldstein and carried unanimously by a 7-0 vote.

- (6) **Review of a Major Subdivision for a project identified as Waterleaf Subdivision located off of Waters Road. The subdivision proposes to develop 12 single family lots along an unopened right-of way with cul-de-sac. The owner is Matthew King and the contact is Gary Davis. The property is identified in the Buncombe County tax records as PINs 9658-49-7041, 9658-48-7950, 9658-48-7840, 9658-48-7741, 9658-48-8515, 9658-48-8599, 9658-48-8793, 9658-48-9805, 9658-48-9915, 9658-49-9015, and 9658-49-7059. Planner coordinating review – Julia Fields**

Urban Planner Julia Fields oriented the Commission to the site location and said that in early 2000, a final plat was approved for Springtime Subdivision, a 38-lot subdivision off of Waters Road in the Haw Creek community. The size of the property in the original subdivision was 5.67 acres. The property is zoned RM6 (Residential Multi-Family Low Density District). Although the final plat for Springtime was recorded, no improvements were completed and no bond posted.

Waterleaf Development Group, LLC has purchased 3.25 acres of the original subdivision and propose to create a 12-lot (perhaps 13 lots) subdivision with two (perhaps one) additional lots for open space. It is proposed that the lots will be accessed off a public street, Waterleaf Way, which intersects Waters Road and ends in a dead end with a t-turnaround provided. A sidewalk is provided along the street.

42,646 square feet of tree save area is proposed in the subdivision. Much of the tree save area will be undisturbed presently wooded land. Open space is currently proposed in two separate areas on the site. 28,314 square feet of open space is required. The development team is currently showing the provision of 18,460 square feet of open space. They are, however, examining the elimination of the northern area shown as open space to create an additional buildable lot. The developer proposes to pay a fee in lieu of providing open space for any area not provided. This proposal is being reviewed by the developer and City staff. The Parks, Recreation & Cultural Arts Department would like to apply the fee in lieu of to Masters Park.

At a meeting on April 16, 2012, the Technical Review Committee for the City of Asheville reviewed and approved with conditions the proposed preliminary plat. The developer has already submitted revised plans addressing the majority of the conditions.

The Technical Review Committee approved this matter with conditions. Planning and Development staff recommends approval.

Mr. Gary Davis, engineer for the project, said that they have provided access for the property in the back. In addition, he explained the open space at the lower end is where the stormwater detention will be located.

Chairman Brooks opened the public hearing at 6:06 p.m.

The owner of two parcels at the end of the road was concerned how he will access his home during construction.

Ms. Fields said the neither the current survey nor the 2000 survey shows a recorded easement. Assistant Planning & Development Director Shannon Tuch said that if there is an easement, that would be something the two property owners would have to address.

Mr. Matt King, applicant, said there is a recorded easement that states when the new road is built, the easement would go away because that owner would have a newer access. He has discussed with the affected owner about having a different driveway for him to access during construction, but nothing is written.

Mr. Smith expressed concern that the easement has not been produced for review. Assistant City Attorney Jannice Ashley said that no decision the Commission makes would be able to make a legally recorded easement expire.

Ms. Tuch said that the Commission's responsibility is to evaluate the site plan and not to look at legal issues regarding access, which is a technical standard. It is not addressed in the staff report because we have just learned about this tonight. Had staff known about this, it would have been a technical issue. The fact that we know about it now doesn't preclude our ability to add it as a technical standard. It's not accurate to have the Commission make it a requirement because the Commission's authority is limited to the approving the site plan. Staff is now aware of this technical issue and the parties will need to demonstrate that this issue has been resolved prior to the final plat being recorded. This is only the preliminary plat.

In response to Ms. Carter, Ms. Tuch said that the site plan would have to be significantly different to warrant it coming back to the Commission for another review.

Mr. Timothy Sadler was concerned how this development will help meet any of the 2025 Comprehensive Plan goals regarding sustainability.

Mr. Jim Freeman, resident on Haw Creek Road, was concerned about the right-of-way, questioned who will maintain the tree save area, and wondered where the street lights would be located.

Chairman Brooks closed the public hearing at 6:34 p.m.

Based on the above findings and the analysis provided in the report, Mr. Goldstein moved to recommend approval of the major subdivision preliminary plat for the Waterleaf Subdivision located off of Waters Road for the development of 12 single family lots along an unopened right-of way with cul-de-sac, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and

directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

At 6:35 p.m., Chairman Brooks announced a short recess.

- (7) A request to review an amendment to the approved Conditional Zoning master site plan for the project identified as Hunt Hill Apartments located at 56 Hunt Hill Place. The amendment proposes a redesign of the site and buildings and also proposes a new pool and clubhouse addition. A setback modification is requested. The owner is Hunt Hill Holdings, LLC and the contact is Chip Kassinger. The property is identified as PIN 9648.57-9895 and 9648.58-3079.**

Urban Planner Julia Fields oriented the Commission to the site location and said that on June 24, 2008, the Asheville City Council reviewed and approved the conditional zoning of 9.58 acres of property (from RM8 and Institutional to RM16CZ) located off of Hunt Hill Place and Ardmon Drive in order to allow for the construction of a 180-unit multi-family development, to be named Hunt Hill Place. The subject property for this development was primarily the former location of the McCormick Heights Apartments which were demolished prior to the adoption of the original 2008 Conditional Zoning and Master Plan. The project site also included a small portion (1.06 acres) of City of Asheville property. At that time a land exchange with the City was anticipated with the 1.06 acres of City property becoming part of the Hunt Hill development in exchange for the City receiving .85 acres for future park development along with additional consideration. The development received permits but was never completed.

A new developer, Hunt Hill Holdings, LLC (Chip Kassinger), has obtained the property and wishes to develop Hunt Hill Apartments with the same number of dwelling units (180) but with revisions to the circulations/access patterns and the location/placement/number of buildings on the property, and an adjustment deleting the land exchange with the city. The buildings are to be stick-built as opposed to the modular construction proposed in the former development.

The previously approved land exchange will not be necessary under the new proposal as the developer plans to reconfigure the location of buildings and access points so only the two parcels owned now by Hunt Hill Holdings, LLC will be needed. The 1.06 acres of City-owned property made a part of the original conditional zoning approval is the subject of a separate rezoning process. The new proposal includes the .85 acres that were originally proposed to be given to the City.

A small portion of the property is in Zone A subject to the City's Steep Slope regulations. Under the regulations, the allowable number of units in the Zone A portion zoned RM16CZ is 30 units. The allowable density for the remainder of the project, again if zoned RM16CZ, is 117 units – a total of 147 units. Both the previous development plan and the current proposal show 180 units, a number that will necessitate an exceptional development density bonus for the 33 additional units. This is an 18.3% bonus. The previous approval was for a 17% bonus. To receive this density bonus, the developer proposes that ten percent (10%) of the development (18 units) be affordable, meeting the City's standards. They have also proposed a number of green features.

The new proposal would contain five buildings instead of four with a new mix of 107 studio of one-bedroom units and 73 two-bedroom units (previously there were 22 three-bedroom units and 168 one and two-bedroom units proposed).

The other significant change concerns access. The previous plan showed access only as it now exists off Hunt Hill Place and Ardmion Drive, but the amended proposal shows additional access from Carroll Drive. Also, circulation is now to be throughout the development; whereas previously two buildings were accessed off of Ardmion Drive and two were accessed off of Hunt Hill Place. With these changes land disturbance is decreased under the new proposal from 7.48 acres to 7.04 acres.

Parking is no longer structured, but now surface parking. Two hundred and twenty-eight parking spaces are proposed. A few are on-street on Ardmion Park. They are also proposing six parking spaces to be utilized for people wanting to access the new Beaucatcher Parkway trail once developed.

Sidewalk access to all streets is proposed, but the developer is proposing a fee in lieu for the sidewalk required on Ardmion Park because it is very narrow and a lot of grading for retaining walls would be required. It also not an important link. Our Transportation Department has accepted the fee in lieu of.

A modification is needed for the side setback for Building 2. At one point this building encroaches approximately 10 feet into the required 40 foot setback.

At a meeting on April 16, 2012, the Technical Review Committee (TRC) approved this conditional zoning amendment with conditions. Since that time the applicant has submitted revisions addressing many of the concerns.

Staff has received one phone call to date on this project concerned with traffic on Edgehill and Hunt Hill Place. The caller was supportive of the additional access onto Carroll.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The project, if approved, must meet all the technical standards set forth in the City's Unified Development Ordinance and Standards and Specifications Manual. The developer has been working closely with City staff to ensure compliance.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

The developer is working with the existing condition of the site, siting the buildings utilizing the existing impervious area. They are in compliance with the City's steep slope regulations.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The project site abuts institutional facilities and parkland and should provide an appropriate transition to the also adjacent single-family homes. They are proposing buffering and other enhanced landscaping which should improve the site which has little significant vegetation now.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The proposed project does show a residential development with greater density than is found in the surrounding area. However, its proximity to an active recreation facility and central location in the City makes this an appropriate transition to less dense housing found in the area. The project site previously served as a 100 unit housing community of seventeen (17) two-story buildings.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The proposed use supports the 2025 goals and Council vision as follows: (1) Supports the goal of pursuing compatible infill development; (2) Supports the goal of promoting the use of green building techniques; (3) Supports the goal of permitting more intense development and density in areas with appropriate infrastructure; and (4) Supports the goal of providing affordable housing.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The use as proposed has three means of access to the project which make the traffic less concentrated than previously proposed as it disseminates through the surrounding neighborhood. Transit access is only a block away on Martin Luther King, Jr. Drive. TRC raised no concerns over the provision of services.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The traffic engineer has reviewed the project and all concerns have been or are being addressed.

Pros:

- ? This project supports the City of Asheville's goal of pursuing higher density infill development.
- ? This project proposes a minimum affordable housing component of ten percent (18 units).
- ? This project incorporates green building strategies in construction.

Cons:

- ? The project is denser than the surrounding residential development.
- ? Access to the project is via small residential streets.

Based on the above findings and the analysis provided in the report, staff finds the request for the amendment to the conditional zoning approval for Hunt Hill Apartments to be reasonable with the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) A minimum of 10% of the units for the project will be affordable per the City of Asheville's Community Development Division; (3) This project will undergo final review by the TRC prior to the issuance of any site development permits; (4) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (5) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; and (6) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

When Ms. Mathews questioned only one dumpster and its proposed location, Ms. Fields explained at the TRC meeting they were not showing a dumpster at all and staff required it to be shown. Ms. Mathews felt that there should be more dumpsters dispersed throughout the site for at least convenience sake. She was also uncomfortable about having the dumpster in the location at Hunt Hill since it is a very narrow street that goes into another very narrow street. She felt the dumpster should be turned the other way and accessed off Carroll Avenue.

Regarding only one dumpster, Assistant Planning & Development Director Shannon Tuch said that staff may need more information on this, as compactors are pretty common for projects of this size.

In response to Ms. Mathews about the access of Carroll Avenue through the church's parking lot, Ms. Fields said that the details are still being worked out with the church. It was her understanding that there is a proposal to improve the parking lot as a part of the easement. If there is not that access, it would have to come through the process as that changes the technical issues. Ms. Fields felt it would be appropriate for the Commission to add a condition that the parking lot easement be fully ironed out before City Council.

Regarding Ms. Mathews' comment about Building 5 having only one exit, Ms. Fields said that in the revisions, it has been addressed with a breezeway.

In response to Ms. Mathews, Ms. Fields read through the green initiatives proposed by the developer. She said that conditions can be placed on the approval to make sure that the initiatives are built into the project.

When Mr. Goldstein questioned if the surrounding roads were too narrow for bus service, Ms. Fields believed the closest bus route would be on Martin Luther King Jr. Drive and felt that the surrounding roads would be too narrow.

Mr. Gary Davis, representing Davis Civil Solutions and the developer, said that the developer proposes (the church board has not met yet) to repave the gravel parking lot, stripe and landscape the entire lot and create an entryway with signage. At the Hunt Hill exit, they were trying to leave an access to the park below it. The trash compactor is located near the Hunt Hill exit, which is tailored after the Weirbridge development. The developer will screen the dumpster with perhaps a combination of a fence and vegetation, and they can then take the vegetation down the property line between the RM-8 and RM-16 zoning. They looked for a location for another dumpster, but they were trying to keep the garbage trucks from driving through the entire project.

When Ms. Mathews suggested a dumpster near the Building 5 location, Mr. Davis felt it could be done. In addition, he said that he would look at turning the existing proposed dumpster the other way and access it off Carroll Avenue.

In response to Ms. Carter, Mr. Davis explained where the retaining walls would be located and the height of those walls.

Mr. Davis responded to Ms. Mathews about the bio retention opportunities shown on the drawings.

Mr. Smith felt the City should amend their ordinances to require a certain amount of dumpsters depending in the number of units in the project.

In response to Chairman Brooks about water pressure issues, Mr. Davis said that they will be coming off Carroll Avenue which has the larger waterline.

Mr. Jeff Moore, City Traffic Engineer, said that he reviewed the Traffic Impact Analysis (TIA) prepared by Mark Teague, professional engineer, and said that the land use code for apartments of 180 units is projected to generate 1214 trips per day. They mainly look at the morning and afternoon peak hours. The 1214 trips per day equates to 92 trips in the morning peak hour – 72 going out and 14 coming in. The afternoon peak hour is projected to have 117 – 76 coming in and 41 going out. The breakdown for the accesses and the percentages per access are as follows: The Edgehill Road access projects 30% of the trips will use that road; 40% will use the access at Carroll Avenue through the parking lot (if the access is not worked out, he will review the TIA again); and 30% access on Carroll Avenue access #2. He then detailed out further details of the trips. The build out level of service will be a Level of Service F and if nothing is done the Level of Service is still F, which is common at an unsignalized intersection (Martin Luther King Jr. Drive & S. Charlotte Street). The traffic still doesn't reach that trigger point for a signal at where Martin Luther King Jr. Drive comes into S. Charlotte Street. He said the additional traffic from the development will not increase the delay enough to require any additional mitigation. Once the build out is done and if traffic increases, it can be looked at again at that time; however, based on what is projected, a new traffic light is not warranted.

Mr. Smith felt that since the threshold for requiring a traffic signal is so close, we should err on the side of caution and request the N.C. Dept. of Transportation (NCDOT) install a traffic light on S. Charlotte Street & Martin Luther King Jr. Drive.

In response to Ms. Mathews, Mr. Moore said that the demographic of the units, including possible guests, is taken into account in the land use code.

In response to Ms. Mathews, Mr. Moore read the following paragraph from the TIA: "If the City desires mitigation for this increased approach delay and Level of Service F rating, it is suggested that a traffic signal warrant be performed upon project completion to determine the feasibility of creating a signalized intersection at this location. Because of the anticipated level of service and delay is not excessively into the Level of Service F category, it is not recommended that a traffic signal decision be made until project build-out as small variances and actual project traffic patterns may change the traffic signal warrant scenario."

There was further discussion regarding the need for a traffic signal at the intersection of S. Charlotte Street and Martin Luther King Jr. Drive. Vice-Chairman Cannady felt that the reason why we have a TIA is to determine if a traffic signal is warranted. Ms. Carter felt that if the project is approved, she would include a condition to require a traffic signal at that intersection, pending approval by the NCDOT.

Mr. Davis questioned how long the condition regarding the traffic light installation would remain in effect after the build-out, because the developer would want to know that it was his development that caused the need, not everything around it.

Chairman Brooks opened the public hearing at 7:39 p.m.

Ms. Carmon Ramos-Kenny, resident on Curve Street, said that the intersection at S. Charlotte Street and Martin Luther King Jr. Drive needs a traffic signal now, along with a pedestrian crossing.

Mr. Gerard Harrison, resident on Edgehill Avenue, expressed concerns regarding traffic from McCormick Field, along with service and delivery traffic from the proposed development. He asked that the dumpster be relocated. He was also concerned with traffic at the intersection of Carroll Avenue and Martin Luther King Jr. Drive due to the topography. He also questioned what the target market is for the 180 units.

Ms. Randi Broderick, resident on Hunt Hill Place, expressed concern of the existing traffic from McCormick Field and Memorial Stadium. She wondered how the development would impact

the 30-acre land track. She was concerned about water run-off during the build-out. She invited the developer to come to their neighborhood meeting to discuss this project before it moves forward.

Mr. Matt Vande, green certifier for the developer's previous project at Weirbridge, said that things went so well with the Weirbridge development that this developer wants to market this as the greenest complex in the City. This developer is great for quality construction. He hoped the project would move forward.

Chairman Brooks closed the public hearing at 7:51 p.m.

Mr. Goldstein agreed that a traffic signal at the subject intersection is warranted now without the project, but was concerned about requiring this developer to pay for it.

In response to Mr. Goldstein, Ms. Fields said that the prior project for 180 units did not require a TIA because they were condominiums.

In response to Ms. Carter, Mr. Moore suggested they have the developer do a complete signal warrant analysis today as a background, since there are other warrants that could be considered, other than the morning and peak hours. If the signal is warranted today, that would be aside from this project. Once that complete signal warrant analysis is completed, he would revisit the TIA on what is projected.

Ms. Carter moved that the developer resubmit a TIA specific study that includes a complete signal warrant analysis based on current conditions. This motion was seconded by Mr. Goldstein and carried on a 6-1 vote, with Mr. Smith voting "no." Mr. Moore said that he would talk to the NCDOT to see if they have done a recent study at that intersection and see what level of threshold they would be looking for at that intersection.

Mr. Smith felt that the Commission should just state that they want a traffic signal at said intersection, unless NCDOT disagrees.

Based on the above findings and the analysis provided in the report, Ms. Carter moved to recommend approval of an amendment to the approved Conditional Zoning master site plan for the project identified as Hunt Hill Apartments located at 56 Hunt Hill Place, to redesign the site and buildings and construct a new pool and clubhouse addition, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) A minimum of 10% of the units for the project will be affordable per the City of Asheville's Community Development Division; (3) This project will undergo final review by the TRC prior to the issuance of any site development permits; (4) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (5) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (6) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (7) That dumpsters be distributed for better access across the site, being attentive to the Ardmion Park Building 5; and (8) Re-direct dumpster traffic away from Hunt Hill; (9) Incorporate green features as listed by Ms. Fields; (10) Some type of buffer to the back of the Edgehill property be agreed upon by the developer and the City prior to being considered by City Council; and (11) if a traffic signal is not warranted today, in 12-months from issuing the final building being CO'd, but before the entire site is CO'd, a second TIA study be performed, with a complete signal warrant analysis, to determine if a traffic signal is warranted and attributed to the development with the developer paying for the signalization. This motion was seconded by Ms. Mathews and carried by a 6-1 vote, with Mr. Smith voting "no."

It was the consensus of the Commission to resolve the action from the first motion prior to moving this item forward to City Council.

At 8:33 p.m., Chairman Brooks announced a short recess.

- (8) **A request for a Conditional Zoning from RM-8 Residential Multi-Family Medium Density District to RM-16 Residential Multi-Family High Density District/Conditional Zoning for a project identified as Hunter Apartments located at 25 & 27 Washington Road. The rezoning is to allow for the remodel of two existing residential structures into two duplex structures for a total of four apartments. The owner is Ervin & Barbara Hunter and the contact is David Straub. The property is identified in the Buncombe County tax records as PIN 9649-53-0624.**

Urban Planner Julia Fields oriented the Commission to the site location and said that Ervin and Barbara Hunter, owners/petitioners, through their agent David Straub, have submitted an application for conditional zoning for the property located at 25 and 27 Washington Street (corner of Washington and Broad). The request is for rezoning from RM8 (Residential Multi-Family Medium Density) District to RM16CZ (Residential Multi-Family High Density Conditional Zoning) District to allow for the creation of four dwelling units in two existing residential buildings on the property. One of the dwellings is a three story structure (27 Washington Road). The other (25 Washington) is a two story structure.

The property, .33 acres in size, has by all indications been used for apartments in the past. Meter account records obtained from Progress Energy and dated August of 2011 confirm that there were six meters on this property at that time. Proposed renovations to the buildings were begun approximately fourteen months ago without permits being obtained by the building contractor. The City issued stop work orders and the applicants now wish to proceed to make the apartments conforming, working with a new contractor. RM8 zoning would only allow for two units on the property. The conditional zoning is necessary to allow for four units. While not proposing to come under the City's affordable housing programs, the rental price points planned for the units are comparable.

A mix of uses is found in the area around Washington Road and Broad Street. Offices, institutional uses, and single-family and multi-family residences are all found in close proximity to 25 and 27 Washington Road.

A modification to the side setback on the southern property boundary is needed. One of the existing structures extends two feet into the required six foot side setback. Because the structures are existing staff is supportive of this request.

At a meeting on April 16, 2012, the Technical Review Committee (TRC) reviewed and approved with conditions the conditional zoning application. The applicant has resubmitted since that time and addressed many of the comments.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The project, if approved, must meet all the technical standards set forth in the City's Unified Development Ordinance and Standards and Specifications Manual with regard to public health and safety.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

There are no significant natural features on the site that warrant mitigation. The buildings being rehabilitated are existing buildings.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The buildings being rehabilitated for the apartments previously contained four units. The buildings are in disrepair and the proposed improvements should positively impact property values in the area.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The buildings being renovated are existing buildings and very much in character with other residential structures in the vicinity. There are a number of larger office and institutional uses in close proximity as well.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

This development supports the goal of promoting adaptive reuse of vacant structures while ensuring that neighborhood compatibility is met. It also supports the goal of producing affordable housing in convenient locations. Additionally, it supports Council's objective of creating affordable rental opportunities and the objective of promoting sustainable, higher-density, infill growth that makes efficient use of existing resources.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The proposed use is in a location convenient to transit routes and employment/business centers. TRC indicated no issues with service provision at the meeting on April 16.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

Only four units (what had been in the structures before) are proposed in this development.

Pros:

- ? The proposed development meets a number of Council objectives and goals established in the comprehensive plan.
- ? The proposed development renovates two dilapidated structures.
- ? The suggested price points for the development are comparable to those established by the City for affordable rental housing.

Con:

- ? The development will contain two units more than would be allowed under the current zoning.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable with the conditions listed below and with the setback modification requested: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development

permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; and (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

Chairman Brooks opened the public hearing at 8:50 p.m.

Mr. Jim Siemens, property owner on Washington Road and owner of property on E. Chestnut Street, contacted representatives of the project to discuss the specifics; however, he has not received a return call. He asked the matter be tabled in order to allow the applicant and site planner to talk with the neighborhood so there can be a win-win situation. In the alternative, he suggested the Commission deny the application because the structures can be used as single-family residences, noting that each property adjacent to this property is a single-family residence. Using photos, he showed the surrounding properties. He felt there was a lack of thoughtful renovation by the owner of these properties. He was also concerned with the additional density feeling that they will eventually have 4 units in the large building and 3 in the smaller building. The Realtor Lisa Roberts said that the intent is to rent to disabled veterans and he did not think that was the highest and best use of the property.

Ms. Shriner said that this is a conditional zoning and if the Commission and Council approve this, the applicant is limited to four units.

Assistant Planning & Development Director Shannon Tuch said that we are bound to evaluate this project not based on past performance, past ownership or past stewardship, but rather whether or not it complies with the technical standards and if it supports City adopted goals and policies.

When Ms. Shriner asked what the developer's obligations are to talk to the surrounding neighborhood, Ms. Tuch said that the City notifies adjoining property owners just the same as we do for bigger projects. There is no requirement that makes the developer meet with the surrounding property owners, but it is recommended. Meeting with the surrounding neighborhood is good practice, but not a required step.

When Ms. Shriner asked if Ms. Fields felt the owners would be willing to meet with the neighbors, Ms. Fields said that she believed Ervin and Barbara Hunter are elderly and would have to defer to their agent David Straub.

Ms. Kate Fisher, resident on Madison Avenue, said that the neighborhood fought hard to keep the neighborhood zoned to RM-8 several years ago and does not want any encroachment of higher density. She has been in communication with Mrs. Hunter over the years, but no communication with her regarding this project.

When Mr. Smith asked what options the property owners would have if the Commission denies the application, Ms. Tuch said they could have two single family houses or possibly if the property has the ability to subdivide, each single-family house could have an accessory apartment.

Ms. Mathews asked what would happen if the larger house burns down under the conditional zoning. Ms. Tuch responded that they would have to rebuild very much in the manner that was already there. Anything other than what gets approved would have to be re-advised and come back before the Planning & Zoning Commission for consideration.

Ms. Lisa Roberts, Director of HALO (a non-profit Home Advocates Limitless Outreach), said that the Hunters have approached her to help guide them in this process where the property meets the City's guidelines. They are currently working with Scott Rogers at the A-B Community Christian Ministry, and hope to utilize this property as a way for veterans to be able to be housed nearby to the Veterans Hospital. Mr. and Mrs. Hunter bought this property 29 years ago and when they purchased it, it was operating 3-units in the large house and 2 units in the smaller house. In 2004 Mr. Hunter fell ill. As Mr. Hunter is a disabled veteran and worked at the Veterans Administration for over 30 years, it was his hope to bring this back up to Code and rent to veterans. Mrs. Hunter spent thousands of dollars for a certified contractor who took advantage of them due to their age and took off. Mr. and Mrs. Hunter paid over \$70,000 and did not know they did not have a permit. If you turn this property into single-housing, they will not be able to meet the mortgage needs. They need the four units. They have paid taxes and insurance for these 29 years with no income from the property. Since Mr. Hunter has fallen ill, they have not been able to maintain the property. She asked the Commission to allow the applicants to move forward with something they are fully invested in. They have not talked to any of the neighbors as Mrs. Hunter has not been able to leave home.

When Ms. Shriner questioned the use, Ms. Tuch said that what is being proposed is a residential use and anything that is not residential is a violation of the conditional zoning and we would take enforcement action. Ms. Roberts explained that the bottom floor of the large house has four bedrooms and will be for a family, and the top floor of the large house (2 bedrooms) is also for a family environment. This property will be geared for a family atmosphere, not for single veterans.

Ms. Roberts explained that they do not intend to ask for more units than 4.

In response to Ms. Shriner, Ms. Roberts said they will be asking the veterans for two-year or longer leases.

When Mr. Smith asked how long the grants will be to help pay the rents, Ms. Roberts said they cannot apply for the grants if the project is not approved. If the grants are not approved, the property would simply be for families that need housing.

In response to Chairman Brooks, Ms. Roberts said that last Saturday she received a call from a lady who said that Mr. Siemens called. Ms. Roberts said that their engineer has already talked to Mr. Siemens and Mr. and Mrs. Hunter had not released her to talk to anyone. She contacted Mr. Hunter and he did not wish to talk to anyone at this time. She was not at liberty to talk to anyone.

When Ms. Shriner asked Mrs. Hunter is she would be willing to talk with her neighbors, Mrs. Hunter said she would be glad to talk with her neighbors. She is at the property at least 2-3 times a week and Mr. Siemens has not made any effort to talk to her. Her phone is listed in the phone book. Ms. Fisher does call and notify her when something does happen with the property. Prior to his illness, Mr. Hunter kept the place up. After that, they hired someone who took advantage of them.

Ms. Roberts urged the Commission not to table the request just because Mrs. Hunter has not spoken to Mr. Siemens. She urged them to base their decision on their request, as Mrs. Hunter can meet with the neighbors anytime. They would like to work on the house before winter and get it rented as soon as possible.

Chairman Brooks closed the public hearing at 9:32 p.m.

It was the hope of Ms. Shriner that the neighborhood representatives meet with Mrs. Hunter and her representative.

Chairman Brooks felt that the major complaint is no one has talked to the neighbors and some of the neighbors do not trust what the owner plans on doing. He felt that there will be plenty of time for the neighbors and Mrs. Hunter to meet prior to the project moving forward to Council in June.

When Ms. Mathews asked if conditions could be added by City Council, e.g., buffering, a fence, etc., Ms. Tuch replied that they can be added as long as they do not dramatically change the plan that was submitted, unless it's to reduce the impact.

Ms. Mathews felt that four units under RM-16 Conditional Zoning is reasonable and you will still be retaining the aesthetic integrity of a single-family house which helps preserve the neighborhood. She also encouraged the meeting between the parties before City Council review to resolve any issues.

Based on the above findings and the analysis provided in the report, Mr. Goldstein moved to recommend approval of a conditional zoning from RM-8 Residential Medium Density District to RM-16 Residential Multi-Family High Density District/Conditional Zoning for a project identified as Hunter Apartments located at 25 & 27 Washington Road, to allow for the remodel of two existing residential structures into two duplex structures for a total of four apartments, and approval of the requested setback modification, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; and (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards. This motion was seconded by Vice-Chairman Cannady,

Chairman Brooks asked for a friendly amendment to encourage the owners to meet with the neighborhoods. Mr. Goldstein and Vice-Chairman Cannady accepted the friendly amendment.

The amended motion made by Mr. Goldstein and Vice-Chairman Cannady carried on a 5-2 vote, with Ms. Carter and Mr. Smith voting "no."

(9) Ordinance amending Chapter 7 of the Code of Ordinances to remove standards allowing digital billboards.

Chairman Brooks asked that he be recused due to a conflict of interest since he is the owner of a billboard. At the last time this was before the Commission, City Attorney Oast explained that unless there was a real conflict, he had an obligation to participate and vote. Since that time, he has gone through training for a state contractor's board and they stressed perception. If there is a perception, valid or not, a person should probably recuse himself. He does not think that his potential economic ties to this are a conflict; however, here is a perception of a conflict of interest. Mr. Smith moved to recuse Chairman Brooks from participating in this matter. This motion was seconded by Mr. Goldstein and carried unanimously on a 6-0 vote (Chairman Brooks did not participate in the vote.) At this time (9:47 p.m.), Chairman Brooks handed the gavel over to Vice-Chairman Cannady to preside over the remainder of the meeting.

Assistant Director of Planning & Development Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to remove standards allowing digital billboards (DBBs) in the City of Asheville. If adopted, existing DBBs will become legal non-conforming signs. No new DBBs could be added to the inventory.

Standards allowing digital billboards were adopted in 2008 after extensive public discussion – there have been eight digital billboards installed since the adoption of these standards and approximately 45 billboards removed, as required by the digital billboard standards (3 times the square footage of static for every digital). A more recently installed digital billboard on Merrimon Ave. has prompted substantial discussion in the community regarding appropriateness and compatibility of this new technology, especially along certain narrower corridors. After significant public discussion and staff analysis, the Planning & Zoning Commission recommended amending the ordinance to address specific concerns that arose with the Merrimon Avenue billboard, but also made a recommendation that staff continue to research the topic and develop a stronger set of standards overall.

This recommendation was forwarded to the Asheville City Council on March 26, 2012, where the Council unanimously voted to adopt the proposed wording amendment. The Council, however, also made a second motion instructing planning staff to return with a follow-up amendment that removes the option for DBBs altogether. This motion passed unanimously. The ordinance before the Commission reflects that direction, and if adopted, would prohibit any new DBBs from being installed within the city's jurisdiction and would render all existing DBBs non-conforming. Since these existing DBBs were established legally, they will be "grandfathered" and will be allowed to remain in place and maintained; however, these boards will not be able to be replaced or relocated - including the Merrimon Avenue DBB.

The subject of DBBs was reviewed by the Planning & Zoning Commission on several occasions (December 7, 2011, January 4, 2012, and February 1, 2012) where there was significant public discussion and deliberation.

This proposal does not directly relate to the goals outlined in the Strategic Operating Plan. This proposal is, however, supported by the City's comprehensive plan where the *Implementation Matrix* states in the *Land Use and Transportation* section: (1) Goal I. The design of streets and highways should be consistent with the economic goals of the City of Asheville and should be compatible with the physical character of the community; and (2) Strategy 6 under this goal states: New billboards should not be allowed along any road corridors and existing ones should be amortized and removed unless adjacent to federal aid primary highways.

The ability of local governments to require amortization of outdoor advertising was significantly limited by the enactment in 2004 of NCGS 160A-199, "Regulation of outdoor advertising signs". In absence of the ability to amortize, this action would support the intent of this goal.

Pros:

- ? Addresses compatibility and safety concerns from residents and motorists.
- ? Allows existing boards to remain in place.

Cons:

- ? Renders existing digital billboards non-conforming with no opportunity for replacement or relocation.

No direct fiscal impact.

The proposed wording amendment reflects the Council's direction to remove the potential for any further digital billboards within the City of Asheville.

She summarized that one amendment is to add a definition for digital billboards which is clear and says that these are not allowed in the city's jurisdiction; and the second is the deletion of the digital billboard standards altogether.

Vice-Chairman Cannady opened the public hearing at 9:51 p.m. and when no one spoke, he then closed it at 9:51 p.m.

In response to Mr. Smith, Ms. Tuch said that this is not what the Commission recommended to City Council; however, it is what Council is recommending. Because the Commission has not seen this recommendation before, it must be reviewed before the Commission. It is really a procedure.

Mr. Goldstein said that he does support the amendment; however, it does preclude us from getting the Merrimon Avenue billboard moved. Ms. Tuch responded that staff can still work out special agreements to move individual billboards.

Vice-Chairman Cannady preferred digital billboards as they are smaller and didn't feel they are a distraction.

Based on the above findings and the analysis provided in the report, Ms. Carter moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances to remove standards allowing digital billboards. This motion was seconded by Ms. Mathews and carried on a 4-2 vote, with Vice-Chairman Cannady and Mr. Smith voting "no" (Chairman Brooks being recused).

Other Business

Vice-Chairman Cannady announced the next meeting on June 6, 2012, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 9:56 p.m., Vice-Chairman Cannady adjourned the meeting.